



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

May 5, 2025

BY ECF AND EMAIL

The Honorable Paul A. Engelmayer
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Daniel Hernandez* 18 Cr. 834 (PAE)

Dear Judge Engelmayer:

The parties write to provide the Court with an update regarding the above-captioned defendant's violation of supervised release ("VOSR") specifications and to respectfully request an adjournment of the May 22, 2025 VOSR hearing.

Since our last appearance before this Court, the Government has collected from the United States Probation Office, and provided to defense counsel, certain Rule 16 discovery materials regarding the March 12, 2025 search of the defendant's home, including, among other things, a copy of the relevant search warrant and search warrant affidavit, photos and videos taken during the execution of the search warrant, and a laboratory report regarding the controlled substances seized from the defendant's bedroom.

Earlier today, the Government learned that it will take at least approximately six weeks from tomorrow's date (*i.e.*, June 17, 2025) for the Palm Beach County Sheriff's Department to develop and compare results, if any, of DNA swabs taken from Hernandez's person and from a firearm recovered in Hernandez's pool house (where a member of Hernandez's family apparently resided at the time of the search). Once these results are received by the Government, they will be forwarded to defense counsel for review.


In order to provide sufficient time for the parties to receive the above-described DNA testing results and to consider whether those results warrant the filing of additional VOSR specifications and/or how those results might affect a resolution of the current VOSR specifications, and because the undersigned attorney is scheduled to be on annual leave from on or about July 7 through July 18, 2025, the parties jointly and respectfully request that the Court adjourn the currently-scheduled May 22, 2025 VOSR hearing until a date during or after the week of July 21, 2025. To the extent the Court grants this request, the parties further propose to provide an update, no later than seven days prior to the newly-scheduled date, indicating how the parties

plan to proceed, including whether the defendant will admit to some or all of the relevant VOSR specifications, or whether an evidentiary hearing is warranted.

Respectfully submitted,

JAY CLAYTON
United States Attorney for the
Southern District of New York

By:


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cc: Lance Lazzaro, Esq. (by ECF and email)
Probation Officers Sandra Osman and Donn Grice (by email)

GRANTED. The Court adjourns the hearing until **July 23, 2025**, at **10:30 a.m.** This conference will not be further adjourned. As proposed in the parties' letter, a joint letter is due one week before the hearing, stating whether the hearing will entail a plea by Mr. Hernandez (and if so to what violation(s) and on what terms) or an evidentiary hearing (and if so, outlining the evidence that will be presented).

5/6/2025

SO ORDERED.


PAUL A. ENGELMAYER

United States District Judge